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APPEAL BRIEF

To: Honorable Commissioner of Patents

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Pursuant to 37 C.F.R. §41.37, Appellant hereby submits an Appeal Brief for application 09/862,472, filed May 23, 2001, in response to the Final Office Action of April 15, 2008. Favorable consideration is respectfully requested.

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1. Real Party in Interest

The real party in interest is Goodwell Technologies, the Assignee and Appellant of the present application.

2. Related Appeals and Interferences

Appellant is not aware of any other appeals, interferences, or judicial proceedings that will directly affect, be directly affected by, or otherwise have a bearing on the Board's decision to this pending appeal.

3. Status of Claims

Claims 1-7, 9, 16-21, 25-27 are pending, and all stand rejected as follows:

- A. Claims 19-21 and 25-27 stand rejected under 35 U.S.C. §112, first paragraph.
- B. Claims 1-7, 9, and 16-18 stand rejected under 35 U.S.C. §101.
- C. Claims 1-7, 9, 16-21, and 25-27 stand rejected under 35 U.S.C. §102(b). All of rejections A, B, and C, identified above, are currently being appealed.

4. Status of Amendments

In response to the Final Office Action of April 15, 2008, an Amendment After Final was filed in the U.S. Patent and Trademark Office on July 15, 2008. As indicated in the subsequent Advisory Action, issued on August 20, 2008, the aforementioned Amendment After Final was entered, and thus the previously outstanding rejection under 35 U.S.C. §112, second paragraph, had been overcome.

5. Summary of Claimed Subject Matter

The present application is entitled "Method and Apparatus for Providing Personalized Services". Of appealed Claims 1-7, 9, 16-21, 25-27, Claims 1, 19, and 20 are independent. Descriptive support for the features of the independent claims is provided in the summaries below.

The subject matter of independent Claim 1 pertains to a computer implemented method of providing personal services over a computer network (see, e.g., [0008] and [0057] - [0059]) to members of at least one of a plurality of predefined groups (see, e.g., [0079]), the method comprising: receiving a service request from a user who is a member of one of the predefined groups (see, e.g., [0059-0060], [0073]; Fig. 2, item 201); determining a user type associated with the received service request (see, e.g. [0073]; Fig. 2, item 203); providing a menu of service request options corresponding to the determined user type (see, e.g. [0073], [0079], [0080]; Fig. 2, item 205; Fig. 3, item 307, Fig. 4, item 401); receiving a selection of one of the service request options from the user (see, e.g., [0079], Fig. 3, items 309 and 315); determining a service response based on the service request option received from the user (see, e.g. [0079]; Fig. 3, item 317); transmitting personal services to the user in accordance with the determined service response (see, e.g. [0064], [0081] - [0086], [0089] - [0092], [0097] - [0102]; Figs. 5-10); recording interactions while transmitting the personal services to the user (see, e.g. [0089], [0095]; Fig. 5, item 505); inserting at least one reminder related to the personal services into an electronic calendar

associated with the user (see, e.g. [0104]); and presenting statistical information related to the interactions to an administrator for the one predefined group of which the user is a member (see, e.g. [0011] - [0014], [0062] - [0063], [0066] - [0067], [0087]).

The subject matter of independent Claim 19 pertains to a computer readable data storage medium having program code recorded thereon for providing personal services over a computer network (see, e.g., [0008], [0057] - [0059]) to members of at least one of a plurality of predefined groups (see e.g., [0079]), the program code comprising: first program code that receives a service request from a user who is a member of one of the groups (see, e.g., [0059] - [0060], [0073]; Fig. 2, item 201) and determines a user type associated with the service request (see, e.g., [0073]; Fig. 2, item 203); second program code that provides a menu of service request options (see, e.g., [0073], [0079], [0080]; Fig. 2, item 205; Fig. 3, item 307, Fig. 4, item 401) based on the determined user type (see, e.g., [0073]; Fig. 2, item 203); third program code that receives a selection of one of the service request options from the user (see, e.g., [0079], Fig. 3, items 309 and 315); fourth program code that determines a service response to the service request based on the service request option received from the user (see, e.g., [0079]; Fig. 3, item 317); fifth program code that provides personal services in accordance with the determined service response (see, e.g., [0064], [0081] -[0086], [0089] - [0092], [0097] - [0102]; Figs. 5-10); sixth program code that records interactions while personal services are provided (see, e.g., [0089], [0095]; Fig. 5, item 505); seventh program code that inserts at least one reminder related to the provided personal services into an electronic calendar associated with the user (see, e.g., [0104]); and eighth program code that presents statistical information related to the interactions to an administrator associated with the one group of which the user is a member (see, e.g., [0011] - [0014], [0062], [0063], [0066], [0067], [0087]).

The subject matter of independent Claim 20 pertains to a system for providing personal services over a computer network (see, e.g., [0008], [0057] - [0059]) to members of at least one of a plurality of predefined groups (see, e.g., [0079]), the system comprising: a user interface unit (see, e.g., [0065]; Fig. 1, item 105) that receives a service request from a user who is a member of one of the groups (see, e.g., [0059], [0060], [0073]; Fig. 2, item 201) and determining a user type associated with the service request (see, e.g., [0073]; Fig. 2, item 203); a server unit (see, e.g., [0058-0059]; Fig. 1, item 101) that: provides, to the user, a menu of service request options based on the user type (see, e.g., [0073], [0079], [0080]; Fig. 2, item 205; Fig. 3, item 307, Fig. 4, item 401), receives a user-selected service request option through the user interface unit (see, e.g., [0079], Fig. 3, items 309 and 315), determines a service response to the user-selected service request option (see, e.g., [0079]; Fig. 3, item 317), provides personal services to the user in accordance with the determined service response (see, e.g., [0064], [0081] - [0086], [0089] - [0092], [0097] - [0102]; Figs. 5-10), and inserts at least one reminder related to the personal services into an electronic calendar associated with the user (see, e.g., [0104]); and a data storage unit that records interactions (see, *e.g.*, [0089], [0095]; Fig. 5, item 505) while providing the determined service response and that presents statistical information related to the interactions to an administrator associated with the one group (see, *e.g.*, [0011] - [0014], [0062] - [0063], [0066], [0067], [0087]).

6. Grounds of Rejections to be Reviewed on Appeal

Appellant respectfully requests that the Board review the grounds, as stated by the Examiner, for rejecting:

- A. Claims 19-21 and 25-27 under 35 U.S.C. §112, first paragraph;
- B. Claims 1-7, 9, and 16-18 under 35 U.S.C. §101;
- C. Claims 1-7, 9, 16-21, and 25-27 under 35 U.S.C. §102(b) over Joao, et al.,(U.S. Patent No. 6,283,761; hereafter "Joao").

7. Argument

A. Claims 19-21 and 25-27 stand rejected under 35 U.S.C. §112, first paragraph

Claims 19-21 and 25-27 were rejected under 35 U.S.C. § 112, first paragraph, as not being enabled. Appellant respectfully traversed this rejection, and presently requests that this rejection be reversed.

With regard to Claim 19, Appellant respectfully submits that Claim 19, as previously presented <u>and</u> as originally filed on May 23, 2001, recite, "a fourth program code that determines a service response to the service request," (emphasis added).

That is, Claim 19, particularly the recitation therein of a "fourth program code," has been amended back into its *original* language, wherein there is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed, (MPEP 2163.03, citing *In re Wertheim*, 541 F.2d 257, 262, 191 USPQ 90, 96 (CCPA 1976).

In the alternative, if the present rejection is to be maintained, Appellant respectfully reserves the right to amend the specification to even more explicitly recite such features of the "fourth program code," as the claim as filed in the original specification are part of the disclosure and "the Appellant may amend the specification to include the claimed subject matter," (MPEP 2163.01(III) citing *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed.Cir. 1985)).

Accordingly, for at least the reasons set forth above, it is respectfully submitted that the present rejection should be reversed as pertaining to independent Claims 19 and 20. Further, by their dependency upon the rejected independent Claim 20, it is respectfully submitted that the rejection of dependent Claims 21 and and 25-27 should be reversed, as well, for at least the reasons set forth above.

B. Claims 1-7, 9, and 16-18 stand rejected under 35 U.S.C. §101

In the Final rejection, it was indicated that Claim 1, step (f) had been amended to read "providing personal services" which, the rejection states, is "not proper subject

matter for patent." In response, in the Amendment After Final filed in the U.S. Patent and Trademark Office on July 15, 2008, Claim 1, step (f) was amended to recite, "providing transmitting personal services."

Appellant respectfully submits that the aforementioned amendment to Claim 1 warrants the reversal of the rejection under 35 U.S.C. §101. Further, by their dependency upon the rejected independent Claim 1, it is respectfully submitted that the rejection of Claims 2-7, 9, and 16-18 should be reversed, as well, for at least the reasons set forth above.

C. <u>Claims 1-7, 9, 16-21, and 25-27 stand rejected</u> under 35 U.S.C. §102(b) over Joao

i. Joao '761 Does Not Anticipate Because It Does Not Recite a Menu of Service Options Corresponding to a User Type

MPEP 2131, "Anticipation – Application of 35 U.S.C. 102(a), (b), and (e)," states, in part:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Thus in order to anticipate, each and every limitation in independent Claims 1, 19 and 20, respectively, must be taught, either expressly or inherently, by Joao. However, contrary to the assertion set forth in the Final rejection, Joao does not disclose "a menu of service options corresponding to a user type." Rather, Joao describes

displaying a common menu to any user, therefore the menu of Joao does not correspond to any user type.

More particularly, Joao does not disclose "providing a menu of service options corresponding to a user type" as recited in Claim 1, "a second program code that provides a menu of service request option based on the determined user type" as recited in Claim 19, and "a server unit that: provides, to the user, a menu of service request options based on the user type" as recited in Claim 20.

Accordingly Appellant requests that the rejections for Claims 1, 19, and 20 be withdrawn for at least the foregoing reason.

ii. Joao '761 Does Not Anticipate Because It Does Not Disclose Inserting a Reminder Into an Electronic Calendar Associated With the User

As set forth above with regard to MPEP 2131, in order to anticipate, each and every limitation of the respectively rejected claims must be taught, either expressly or inherently, by the cited reference. Accordingly, Appellant respectfully submits that Joao further fails to disclose "inserting ... a reminder ... into an electronic calendar associated with the user," but rather discloses mailing an email calendar appointment request.

More particularly, Appellant submits that emailing a calendar appointment request is **distinct from inserting an appointment reminder** into the calendar, as in independent Claims 1, 19, and 20. The independent claims recite the inserting of an appointment related to personal services into an electronic calendar associated with a

user. As a result, there is no point in having the user confirm an appointment, via email, that the user himself/herself is actually making, as described by Joao. Thus, Joao does not disclose "inserting at least one reminder related to the personal services into an electronic calendar associated with the user" as recited in Claim 1, "inserts at least one reminder related to the provided personal services into an electronic calendar associated with the user" as recited in Claim 19, and "inserts at least one reminder related to the personal services into an electronic calendar associated with the user" as recited in Claim 20.

Accordingly, Appellant submits that the rejection under 35 U.S.C. §102(b) should be reversed as it pertains to independent Claims 1, 19, and 20. Further, by their dependency upon the rejected independent claims, it is respectfully submitted that the rejection of Claims 2-7, 9, 16-18, 21, and 25-27 should be reversed, as well, for at least the reasons set forth above. That is, the Final Rejection of the pending claims fails to meet the standard for anticipation set forth in MPEP 2131, and thus the rejected claims are distinguishable over Joao.

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Conclusion of Arguments

Appellant respectfully submits that the evidence of record and arguments

based on this evidence show that the Office erred in rejecting the claims. In particular,

specific grounds for rejection have been identified and discussed to show that the

cited reference does not anticipate Appellant's claims. Appellant respectfully requests

that the Board reverse the Examiner's rejection for the specific grounds identified

herein.

Should any issue remain that prevents furtherance of this Appeal, the Board or

Office is encouraged to contact the undersigned attorney to discuss the unresolved

issue.

Respectfully Submitted,

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Dated: November 7. 2008

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8. Appendix of Claims

1. (Previously Presented) A computer implemented method of providing personal services over a computer network to members of at least one of a plurality of predefined groups, the method comprising:

receiving a service request from a user who is a member of one of the predefined groups;

determining a user type associated with the received service request;

providing a menu of service request options corresponding to the determined user type;

receiving a selection of one of the service request options from the user;

determining a service response based on the service request option received from the user;

transmitting personal services to the user in accordance with the determined service response;

recording interactions while transmitting the personal services to the user;

inserting at least one reminder related to the personal services into an electronic calendar associated with the user; and

presenting statistical information related to the interactions to an administrator for the one predefined group of which the user is a member.

2. (Previously Presented) The computer implemented method according to claim 1, wherein the personal services comprise healthcare related services, wherein the predefined groups are respective employers, wherein the user is an employee of one of the employers and is receiving the healthcare related services; and wherein the transmitting of personal services comprises delivering at least one

healthcare-related recommendation to the user.

- 3. (Previously Presented) The computer implemented method according to claim 1, wherein the user type comprises one of a member/employee, a service provider, and a research service provider.
- 4. (Previously Amended) The computer implemented method according to claim 3, wherein if the user type is member/employee, the menu of service request options comprises view services available, view news, facilitate communication, update/create user profile, schedule appointment, immediate consultation, perform transaction, check status, provide feedback/comments.
- 5. (Previously Amended) The computer implemented method according to claim 3, wherein if the user type is service provider, the menu of service request options comprises view news, access a knowledge base, facilitate administration, facilitate a feedback query, and facilitate communication.

- 6. (Currently Amended) The computer implemented method according to claim 3, wherein the menu of service request options comprises view news, initiate query, initiate communications, and request help.
- 7. (Previously Amended) The computer implemented method according to claim 3, wherein if the user type is research services, the menu of service request options comprises view news, access databases, and initiate queries.
 - 8. (Canceled)
- 9. (Previously Amended) The computer implemented method according to claim 3, wherein recording interactions includes storing information regarding a type of service provided, a user requesting service, service provider information and recommendations, frequency of service provided by user and/or service provider, feedback from user, and performance-metrics.
 - 10. (Canceled)
 - 11. (Canceled)

- 12. (Canceled)
- 13. (Canceled)
- 14. (Canceled)
- 15. (Canceled)
- 16. (Previously Amended) The computer implemented method according to claim 2, wherein the enabling of the service response is to be further determined based on information related to a medical history of the user.
- 17. (Previously Amended) The computer implemented method according to claim 2, wherein the enabling of the service response is to be further determined based on information related to a work schedule of the user.
- 18. (Previously Amended) The computer implemented method according to claim 2, wherein the enabling of the service response is to be further determined based on information related to an estimated condition of the user.

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19. (Previously Amended) A computer readable data storage medium

having program code recorded thereon for providing personal services over a

computer network to members of at least one of a plurality of predefined groups, the

program code comprising:

a first program code that receives a service request from a user who is a

member of one of the groups and determines a user type associated with the service

request;

a second program code that provides a menu of service request options based

on the determined user type;

a third program code that receives a selection of one of the service request

options from the user;

a fourth program code that determines a service response to the service

request based on the service request option received from the user;

a fifth program code that provides personal services in accordance with the

determined service response;

a sixth program code that records interactions while personal services are

provided;

a seventh program code that inserts at least one reminder related to the

provided personal services into an electronic calendar associated with the user; and

an eighth program code that presents statistical information related to the interactions to an administrator associated with the one group of which the user is a member.

20. (Previously Presented) A system for providing personal services over a computer network to members of at least one of a plurality of predefined groups, the system comprising:

a user interface unit that receives a service request from a user who is a member of one of the groups and determining a user type associated with the service request;

a server unit that:

provides, to the user, a menu of service request options based on the user type,

receives a user-selected service request option through the user interface unit,

determines a service response to the user-selected service request option,

provides personal services to the user in accordance with the determined service response, and

inserts at least one reminder related to the personal services into an electronic calendar associated with the user; and

a data storage unit that records interactions while providing the determined service response and that presents statistical information related to the interactions to an administrator associated with the one group.

- 21. (Previously Amended) The system according to claim 20, wherein the interactions recorded in the data storage unit includes storing information regarding a type of the personal services provided, a user requesting service provider information and recommendations, frequency of service provided by user and/or service provider, feedback from user, and performance metrics.
 - 22. (Canceled)
 - 23. (Canceled)
 - 24. (Canceled)
- 25. (Previously Amended) The system according to claim 20, wherein the server unit determines the service response based on a prior history of the user.
- 26. (Original) The system according to claim 20, wherein the server unit determines the service response based on information related to a work schedule of the user.

- 27. (Previously Amended) The system according to claim 20, wherein the server unit determines the service response based on information related to an estimated condition of the user.
- 28. (Withdrawn) A computer network implemented method of providing personalized services using a digital dialog between a service provider and a user of the personalized services, the method comprising:

establishing an audio/video communication channel for a service session between the user and the service provider;

receiving and storing inputs from the service provider in a data store while the audio/video communication channel between the user and the service provider is established;

receiving and storing inputs from the user in the data store while the audio/video communication channel between the user and the service provider is established; and

providing, the service provider and the user, interactive access to the data store while the audio/video communication channel is established between service provider and the user.

29. (Withdrawn) The method according to claim 28, further comprising:

prior to establishing the service session using the audio/video communication channel, scheduling the service session based on input from the user; and

receiving service session related information from the user; and storing received service session related information in the data store.

- 30. (Withdrawn) The method according to claim 28, wherein the service provider can access user inputs stored on the data store.
- 31. (Withdrawn) The method according to claim 28, wherein the user can access selected service provider inputs stored on the data store.
- 32. (Withdrawn) The method according to claim 29, further comprising: associating, with the service session or the service session related information, interactive prompts to the service provider;

receiving and storing service provider responses to the prompts provided to the service provider; and

providing additional prompts to the service provider based on the received responses from the service provider.

33. (Withdrawn) The method according to claim 32, further comprising: providing interactive prompts to the user;

service session.

receiving and storing user responses to the prompts provided to the user; and providing additional prompts to the service provider based on the received responses from the service provider.

34. (Withdrawn) The method according to claim 32, further comprising: providing, from the service provider, interactive prompts to the user; receiving, from the user, responses to the interactive prompts provided by the service provider; and

providing to the service provider the received responses from the user.

35. (Withdrawn) The method according to claim 34, further comprising:

storing the prompts and received responses as a permanent data record for the

- 36. (Withdrawn) The method according to claim 35, wherein the prompts and received responses are stored and classified in the permanent data record based on keywords associated with the prompts and received responses.
- 37. (Withdrawn) The method according to claim 36, wherein the prompts comprise labeled or unlabeled data entry fields, diagrams, prior session data, or service session related information provided by the user prior to the service session.

- 38. (Withdrawn) The method according to claim 28, wherein the audio/video communication channel includes videoconferencing.
- 39. (Withdrawn) The method according to claim 28, wherein the audio/video communication channel comprises a communication channel over a public or private communication network.
- 40. (Withdrawn) The method according to claim 39, wherein the public communication channel comprises the Internet.
- 41. (Withdrawn) The method according to claim 39, wherein the audio/video communication channel includes a browser access to the public or private communication channel.
- 42. (Withdrawn) The method according to claim 39, further comprising: providing the service provider with a multi-window interface to the communication channel,

wherein one or more windows provide access to audio/video data transmitted across the communication channel, wherein one or more windows synchronously

provide access to the data store storing inputs from the service provider and the user and any earlier service session related information provided by the user; and

one or more windows synchronously provide access to one or more information sources useful to the service provider.

43. (Withdrawn) The method according to claim 42, further comprising: providing the user with a multi-window interface, wherein one or more windows provide access to the audio/video communication channel, and

wherein one or more windows synchronously provide access to additional information useful to the user.

- 44. (Withdrawn) The method according to claim 28, wherein the service provider is a doctor or a medical professional and the user is a patient.
- 45. (Withdrawn) The method according to claim 28, wherein the service provider is a travel agent and the user is a customer of the travel agent.
- 46. (Withdrawn) The method according to claim 44, wherein the step of establishing an audio/video communication channel further comprises:

placing a received user connection in a "waiting room" queue for a particular service provider; monitoring the queue by using a priority protocol to schedule the

users in the queue, and communicating with the service provider and the user to initiate the service session in accordance with the schedule.

- 47. (Withdrawn) The method according to claim 46, further comprising: providing a user with an indication of their position in the queue.
- 48. (Withdrawn) The method according to claim 36, further comprising: generating asynchronous message to the user or the service provider based on data stored in the permanent data record.
- 49. (Withdrawn) The method according to claim 48, wherein the asynchronous message comprises an e-mail or voice mail message, pager or PDA alert, or scheduling of a follow up or a different service session.
- 50. (Withdrawn) The method according to claim 42, wherein the one or more windows providing synchronous access to information sources provides interactive access to external information sources and links accessible therefrom.
- 51. (Withdrawn) The method according to claim 42, wherein the one or more windows providing access to the data store provide interactive access to the information stored in the data store and to links accessible therefrom.

- 52. (Withdrawn) A computer readable data storage medium having program code recorded thereon for providing personalized services using a digital dialog over a computer network between a service provider and a user of the personalized services, the program code comprising:
- a first program code for establishing an audio/video communication channel for a service session between the user and the service provider;
- a second program code that receives and stores inputs from the service provider in a data store while the audio/video communication channel between the user and the service provider is established;
- a third program code for receiving and storing inputs from the user in the data store while the audio/video communication channel between the user and the service provider is established; and
- a fourth program code that provides the service provider and the user interactive access to the data store while the audio/video communication channel is established between the service provider and the user.
- 53. (Withdrawn) A system for providing personalized services using a digital dialog over a computer network between a service provider and a user of the personalized services, the system comprising:

a service provider interface that communicates with a user interface using an audio/video communication channel in a service session; and

a server unit that communicates with both the service provider interface and the user interface while the service provider interface communicates with the user interface using the audio/video communication channel in the service session;

wherein the server unit comprises a data store that is interactively accessible by the service provider interface and the user interface during the service session.

- 54. (Withdrawn) The system according to claim 53, wherein, prior to establishing the service session, the server unit schedules the service session based on input received from the user interface, receives service session related information from the user interface and stores the received service session related information in the data store.
- 55. (Withdrawn) The system according to claim 53, wherein the user interface provides access to selected service provider inputs stored in the data store, and the service provider interface provides access to user inputs stored in the data store.
- 56. (Withdrawn) The system according to claim 54, wherein the server unit provides prompts to the service provider interface based on the service session or the

service session related information, and receives and stores service provider responses to the prompts provided to the service provider interface.

- 57. (Withdrawn) The system according to claim 56, wherein the server unit provides interactive prompts to the user interface, and receives and stores user responses to the prompts provided to the user interface.
- 58. (Withdrawn) The system according to claim 57, wherein the service provider interface generates service provider prompts to the user interface, and displays user responses to the service provider prompts, and

wherein the server unit stores all prompts and responses, in the data store, as a permanent data record associated with the service session.

- 59. (Withdrawn) The system according to claim 58, wherein the server unit classifies the stored prompts and responses based on keywords associated with the prompts and responses.
- 60. (Withdrawn) The system according to claim 59, wherein the prompts comprise labeled or unlabeled data entry fields, diagrams, prior session data, or service session related information provided by the user prior to the service session.

- 61. (Withdrawn) The system according to claim 53, wherein the audio/video communication channel comprises videoconferencing.
- 62. (Withdrawn) The system according to claim 53, wherein the audio/video communication channel comprises a communication channel over a public or private communication network.
- 63. (Withdrawn) The system according to claim 62, wherein the public communication network includes the Internet.
- 64. (Withdrawn) The system according to claim 62, wherein the service provider interface comprises a multi-window interface with one or more windows providing access to the audio/video communication channel, one or more windows synchronously provide access to the server unit and the data store, and one or more windows provide access to information sources useful to the service provider.
- 65. (Withdrawn) The system according to claim 64, wherein the user interface comprises a multi-window interface with one or more windows providing access to the audio/video communication channel, and one or more windows synchronously provide access to the server unit and the data store, and one or more windows provide access to information sources useful to the user.

66. (Withdrawn) The system according to claim 65, wherein the server unit includes a waiting room queue for a particular service provider,

wherein the server unit receives and places user connection requests for that particular service provider in the queue, monitors the queue in accordance with a priority protocol, and communicates with the user interface and the service provider interface to schedule the users in the queue in accordance with the priority protocol.

9. Appendix of Evidence

None.

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10. Appendix of Related Appeals and Interference

None.